

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

VICTORIA LYNN FIELDS

V.

**UNITED STEEL WORKERS LOCAL
752, ET AL.**

§
§
§
§
§
§

No. 5:06CV114

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Victoria Lynn Fields ("Plaintiff"), proceeding *pro se*, filed objections to the Magistrate Judge's *sua sponte* recommendation that Plaintiff's above-entitled and numbered cause of action be dismissed without prejudice because the Court does not have jurisdiction over Plaintiff's cause of action. Specifically, Plaintiff objects to the Magistrate Judge's references to her previous lawsuit in this Court against Cooper Tire & Rubber Company. Plaintiff further states that she filed an amended complaint as ordered by the Magistrate Judge, setting forth facts, dates, exhibits, and the specific relief sought in this lawsuit. Because she filed an amended complaint in a timely manner, as ordered by the Magistrate Judge, Plaintiff objects to the Magistrate Judge's ultimate recommendation, based on her consideration of Plaintiff's amended complaint, that Plaintiff's cause of action be dismissed without prejudice.

Plaintiff's objections are without merit. As noted by the Magistrate Judge, Plaintiff's


Amended Complaint makes clear the Court does not have subject matter jurisdiction over Plaintiff's current lawsuit. Plaintiff has filed the current lawsuit against United Steel Workers Local 752 union and two of its representatives, alleging she was denied fair representation in the grievance process regarding her job with Cooper Tire & Rubber Company. Plaintiff asserts her claim pursuant to Title VII against these Defendants. Title VII requires that federal employees bringing a claim of employment discrimination may only bring a claim in federal court against her *employer*. Plaintiff cannot allege these Defendants are her employers within the meaning of Title VII, and she has failed to state facts sufficient to state a claim under any other federal law.

In addition, as noted by the Magistrate Judge, Plaintiff cannot plead diversity of citizenship. According to her Amended Complaint, Plaintiff is suing the United Steel Workers Local 752, 3600 Washington Road, Texarkana, Arkansas 71854 as well as David Boone, President of the union, and Charles Drake, Chairman of the union, also both located at 3600 Washington Road in Texarkana, Arkansas. Plaintiff lists her address as P.O. Box 712, Ashdown, Arkansas.

The Court does not have jurisdiction over Plaintiff's current lawsuit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Plaintiff's above-entitled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 1st day of August, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE